



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/809,012	03/16/2001	Ross S. Daharsh	08215-420001	5160

26171 7590 06/19/2003

FISH & RICHARDSON P.C.  
1425 K STREET, N.W.  
11TH FLOOR  
WASHINGTON, DC 20005-3500

EXAMINER

BENENSON, BORIS

ART UNIT PAPER NUMBER

2836

DATE MAILED: 06/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/809,012

Applicant(s)

DAHARSH ET AL.

Examiner

Boris Benenson

Art Unit

2836

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) 14-22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-9, 11 and 13 is/are rejected.
- 7) ☐ Claim(s) 4, 5, 10 and 12 is/are objected to.
- 8) ☒ Claim(s) 1-22 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 May 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

***Election/Restrictions***

1. Two different inventions are claimed in the application.

A first group of Claims (1-13) comprising a first invention claiming an electrical switchgear device consisting of a group of an elements, providing a predetermine actions in certain situations and having certain design. A second group of Claims (14-22) is related to a second invention consisting of a method of producing an electrical switchgear device.

Inventions an electrical switchgear device and a method of producing an electrical switchgear device are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the electrical switchgear device can be made due different manufacturing process.

2. Attorney Diana DiBerardino in telephone conversation on 5/5/03 elected the first group of claims (1-12) for prosecution.

***Drawings***

The drawings are objected to because figures 1-3 show an exemplary mounting device for a current sensor and do not represent the inventive embodiments. Figures 1-3 should be named

Art Unit: 2836

as prior art. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Harvey et al. (5585611). Harvey et al. disclose an interrupter assembly comprising a conductor (Fig.2, Pos.16) with upper terminal contact (22), a projections (28), a base (35), current sensor (32) that attached to the base with a support element (14b) to detect current in the conductor, an interrupting switch (12) interrupts current through the conductor when sensor (32) detects an overcurrent (a current value above predetermined). All the elements of the interrupter assembly (the current sensor, the current interrupting apparatus and conductor) are positioned on the base and encapsulated in one housing (14).

Referring to Claim 2, a housing (14) comprises a solid dielectric material.

Referring to Claim 3, the housing (14) is serving as a support element and comprises a rigid tube.

Referring to Claim 6,7 and 8 the current sensor 32 includes a conductor (36) that produces the signal and provides it to an overcurrent protection device, a measuring device or a monitoring relay scheme in the control function of an electrical apparatus employing the interrupter assembly. As it is seen on Fig.1 the conductor (36) is drawn through the support element (14b) to be connected to a control circuitry and the conductor is sealed inside the support element.

Referring to Claim 11, the support element (14b) is a solid dielectric material read on non-metallic.

Referring to Claim 13, the interrupter assembly includes a housing/support element (14) that encapsulates the current sensor (32) and conductor (24) so there are no dielectric interfaces between the current sensor and the conductor that could lead to a dielectric failure.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this

Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the

Art Unit: 2836

art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Harvey et al. (5585611). Harvey et al. disclose an interrupter assembly where a housing (Fig.1, Pos.14a) and a support element (14b) hermetically sealed to each other. "Preferably, a sealing compound or gasket material 19 is provided between the first and second bodies 14a, 14b to prevent moisture and other impurities from leaking through the joint" (Col.3, Lines 37-40). "Additionally, threaded metal inserts (not shown) may be embedded in the bottom (35) of solid dielectric body (14b) for securing the assembly with suitable hardware". It would have been obvious to one of ordinary skill in the art at the time the invention to put a sealing compound or gasket material similar to gasket (19) between element (14b) and the base or other suitable hardware, because it will prevent moisture and other impurities from leaking through the joint.

***Allowable Subject Matter***

6. Claims 4,5,10 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 4,5,10 and 12 are allowable because none of the prior art of record disclose a bended support element, coupled to current sensor, metallic support element or the support element, coated with semi-conductive paint in combination with the other claim limitations.

**Contact information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Boris Benenson whose telephone number is (703) 305-6917. The examiner can normally be reached on M-F (8:20-6:00) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus can be reached on (703) 308-3119. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

  
GREGORY J. TOATLEY, JR.  
PRIMARY EXAMINER

Boris Benenson  
Examiner  
Art Unit 2836

Application/Control Number: 09/809,012

Page 7

Art Unit: 2836

B.B.

June 9, 2003